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NEWS RELEASE

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GRAND JURY RETURNS INDICTMENTS

WICHITA, Kan. – United States Attorney Eric Melgren announced that eleven individuals were indicted on March 9 and 10, 2004, by a federal grand jury in Wichita, Kansas. Those indicted include:

- ! **Byron Brown**, 34, Wichita, Kansas, currently in custody, is charged with seven counts of robbing area businesses, one count of bank robbery, and two counts of using a firearm during a robbery.

The indictment alleges that Brown robbed the Hog Wild Pit Barbeque, 1200 S. Rock Road, Wichita, Kansas, on July 3, 2003, and December 9, 2003; Church's Chicken, 503 N. West Street, on August 8, 2003; Taco Tico, 2051 S. Seneca, on August 13, 2003, and August 24, 2003; Taco Tico, 1230 S. Rock Road, on September 11, 2003; Taco Tico, 3425 E. Douglas, on September 21, 2003; and the Boeing Wichita Credit Union, 1322 W. Pawnee, on September 29, 2003. The indictment further alleges that Brown carried a firearm during the robbery of the Boeing Wichita Credit Union on September 29, 2003, and the robbery of the Hog Wild Pit Barbeque on December 9, 2003.

If convicted, Brown faces a maximum of twenty years in federal prison, without parole, on each count of robbery and a minimum of seven years on each count of carrying a firearm during a robbery. The case was investigated by the FBI and the Wichita Police Department and is being prosecuted by Assistant U.S. Attorney Matt Treaster.

- ! **Kendrick K. Seymore**, 20, and **Brian L. Mitchell**, 25, both of Wichita, Kansas, both in custody, are charged with one count of robbing the Checkers Grocery Store, 1915 E. Pawnee, Wichita, Kansas, on February 21, 2004, and one count of carrying a firearm during the robbery. Mitchell is also charged with one count of being a felon in possession of a firearm on February 21, 2004.

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If convicted, Seymore and Mitchell each face a maximum of twenty years in federal prison, without parole, for robbery and a minimum of seven years for carrying a firearm during the robbery. Mitchell also faces a maximum of ten years for being a felon in possession of a firearm. The case was investigated by the Wichita Police Department.

! **Maurice Franklin, Jr.**, 29, Neodesha, Kansas, currently in custody, was charged in a superseding indictment with two additional robberies and one additional attempted robbery.

The indictment alleges that Franklin robbed the Subway, Parsons, Kansas, on January 21, 2001, and carried a firearm during the robbery; that Franklin attempted to rob El Pueblito, Chanute, Kansas, on March 4, 2002, and carried a firearm during that robbery; and that Franklin robbed McDonald's, Chanute, Kansas, on March 4, 2002, and carried a firearm during the robbery.

If convicted, Franklin faces an additional maximum of twenty years in federal prison, without parole, for each additional robbery or attempted robbery and a minimum of seven years for each additional count of carrying a firearm during a robbery.

Franklin was previously charged on February 12, 2003, with five counts of robbery; one count of car jacking; five counts of carrying and using a firearm in connection with a robbery or car jacking; one count of discharging a firearm inside a school; two counts of being a felon in possession of ammunition; one count of being a felon in possession of a firearm; and one count of attempted robbery.

If convicted, Franklin previously faced a maximum of twenty years for each count of attempted robbery or robbery; a minimum of ten years on each count of carrying and using a firearm during an attempted robbery and during a car jacking; a maximum of ten years for each count of being a felon in possession of ammunition or a firearm; a minimum of seven years for each count of carrying or using a firearm during a crime of violence; a maximum of five years for discharging a firearm inside a school; and a maximum of twenty-five years for possession of a firearm during a car jacking.

Franklin is currently set for a status conference in U.S. District Court in Wichita, Kansas, on April 9, 2004, at 10:30 a.m. before U.S. District Judge Wesley E. Brown and for a jury trial on April 20, 2004, at 9:00 a.m.

The case was investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives with the assistance of local law enforcement agencies including the Topeka Police Department and is being prosecuted by Assistant U.S. Attorney Matt Treaster.

! **Steven Caywood**, 62, previously of Wichita, Kansas, currently of Advance, North Carolina, is charged with one count of intentionally misapplying

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premiums of a health care benefit program from February 1, 2002, through November 30, 2002, and one count of forfeiture of \$23,967.88, the proceeds from this offense.

The indictment alleges that Caywood, while the president and owner of Trinity Health Group, LLC, doing business as Wichita Rehabilitation Center, a nursing home operating in Wichita, Kansas, collected health care premiums through employees' payroll deductions from February 2002 through November 2002 and did not forward these premiums to the health care plan. The indictment further alleges that Caywood intentionally misapplied approximately \$23,967.88 in premiums and used the money for his benefit.

If convicted, Caywood faces a maximum of ten years in federal prison without parole. The case was investigated by the U.S. Department of Labor.

! **Barry Nelson**, 42, formerly of Halstead, Kansas, currently of McKinney, Texas, is charged with one count of intentionally misapplying premiums of a health care benefit program from January 2002 through December 2002; one count of embezzling money from an employee pension benefit plan from March 2002 through August 2002; and one count of forfeiture of approximately \$237,486.71, the proceeds from these offenses.

The indictment alleges that Nelson, while the Chief Executive Officer of Hertzler Halstead Hospital Corporation, a not-for-profit acute care facility located in Halstead, Kansas, collected approximately \$215,753.00 in health care premiums through employees' payroll deductions and failed to forward the money to an insurance company or use it to pay medical claims from January 2002 through December 2002. The indictment alleges that the \$215,753.00 was retained in the general assets of the Hospital and diverted for other purposes. The indictment further alleges that Nelson, while the 401k retirement plan administrator, collected approximately \$21,733.74 in employee contributions to the 401k retirement plan from March 2002 through August 2002 and did not forward the money to the retirement plan. The indictment alleges that the \$21,733.74 was retained in the general assets of the Hospital and used for other purposes. On June 26, 2002, the Hospital filed for bankruptcy and ceased operation in December 2002.

If convicted, Nelson faces a maximum of ten years in federal prison, without parole, for intentionally misapplying premiums of a health care benefit program and a maximum of five years for embezzling money from an employee pension benefit plan. The case was investigated by the U.S. Department of Labor.

! **Bryon Spohn**, 34, Wichita, Kansas, is charged with one count of receiving and distributing child pornography by computer from February 2002 through August 2003 in Sedgwick County, Kansas; and one count of forfeiture of the computer and accessories used to commit this offense.

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If convicted, Spohn faces a maximum of fifteen years in federal prison without parole.

The case was investigated by the FBI.

- ! **Alfonso Antunez-Obregon** 44, Wichita, Kansas, citizen of Mexico, and **Alonso Rodriguez-Rosales**, 21, Wichita, Kansas, citizen of Mexico, both currently in custody, are each charged with one count of possession with the intent to distribute marijuana on December 20, 2003, in Sedgwick County, Kansas. **Antunez-Obregon** is also charged with one count of illegal re-entry into the United States on February 18, 2004. **Rodriguez-Rosales** is also charged with one count of possession with the intent to distribute 500 grams or more (1.1 pounds or more) of methamphetamine on December 20, 2003; one count of possessing a counterfeit resident alien identification card on December 20, 2003; one count of possessing a counterfeit social security card on December 20, 2003; and one count of using a social security number that was not assigned to him in December 2000, all in Sedgwick County, Kansas.

If convicted, each face a maximum of five years in federal prison, without parole, for possession with the intent to distribute marijuana. Antunez-Obregon also faces a maximum of twenty years for illegal re-entry into the United States. Rodriguez-Rosales also faces a minimum of ten years and a maximum of life for possession with the intent to distribute methamphetamine; a maximum of ten years for possessing a counterfeit resident alien identification card; a maximum of three years for possessing a false social security card; and a maximum of five years for misuse of a social security number. The case was investigated by the Bureau of Immigration and Custom Enforcement and is being prosecuted by Assistant U.S. Attorney Brent Anderson.

- ! **Enrique Luna**, 23, Hutchinson, Kansas, currently in custody, is charged with one count of being a felon in possession of a firearm; one count of possession with the intent to distribute 5 grams or more (.18 ounce) of more of crack cocaine; and one count of carrying a firearm during a drug trafficking crime, all on October 1, 2003, in Reno County, Kansas.

If convicted, Luna faces a maximum of ten years in federal prison, without parole, for being a felon in possession of a firearm, a minimum of five years and a maximum of forty years for possession with the intent to distribute crack cocaine; and a maximum of five years for carrying a firearm during a drug trafficking crime. The case was investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives and is being prosecuted by Assistant U.S. Attorney Matt Treaster.

- ! **Martin Edward Cole**, 45, St. Petersburg, Florida, currently in custody, is charged with one count of being a felon in possession of a handgun on December 25, 2003, in Sedgwick County, Kansas.

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If convicted, Cole faces a maximum of ten years in federal prison without parole. The case was investigated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and is being prosecuted by Assistant U.S. Attorney Matt Treaster.

As in any criminal case, a person is presumed innocent until and unless proven guilty. The Indictments filed merely contain allegations of criminal conduct.